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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

INDECK KEYSTONE ENERGY LLC,

Plaintiff, Civil Action

vs.

No. 04-325 Erie

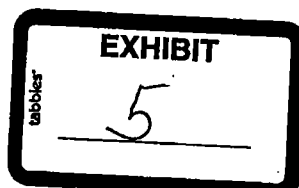
VICTORY ENERGY OPERATIONS,  
LLC.

Defendant.

DEPOSITION OF JAY McCONAUGHY  
TUESDAY, FEBRUARY 16, 2006

Deposition of JAY McCONAUGHY, taken pursuant to  
Notice and the Federal Rules of Civil Procedure, by and  
before Cathy R. Mull, Notary Public in and for the  
Commonwealth of Pennsylvania, at the offices of Schnader  
Harrison Segal & Lewis LLP, Fifth Avenue Place, Suite  
2700, 120 Fifth Avenue, Pittsburgh, Pennsylvania  
15222-3001 commencing at 8:30 o'clock a.m., on the day and  
date above set forth.

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1 reviewing?

2 A Oh, I just went over them to make sure it is what  
3 we can supply and the design pressures and whatnot are  
4 okay.

5 Q What were the sizes of the boilers?

6 A Don't remember.

7 Q Were the two sales proposals that you reviewed, was  
8 the steam flow of the boilers in excess of 150,000 pounds  
9 per hour?

10 A No.

11 Q It was less than 150,000 pounds per hour?

12 A Yes.

13 Q Were there any name plates that were put on the  
14 boilers once the manufacturing process was complete?

15 MR. SHEEAN: Objection. Foundation.

16 A Yes.

17 Q What was the information on the name plates?

18 A You had ASME data sheet information on it and who  
19 they were manufactured by. That's required by ASME Code.

20 Q And what was the name?

21 A It was Victory.

22 Q Were there any other name plates or face plates on  
23 the boiler to identify it as a Keystone boiler?

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1 MR. SHEEAN: Objection. Foundation.

2 MR. GISLESON: Strike the question.

3 BY MR. GISLESON:

4 Q Did you ever see a Keystone boiler at the  
5 conclusion of the manufacturing process?

6 A I saw the boiler at the end, yes.

7 Q Was that true for all of the projects for which you  
8 were the Project Engineer?

9 A That I saw -- no.

10 Q For the boilers that had been completed while you  
11 still worked there?

12 A No.

13 Q For which boilers did you see the finished product?

14 A I can't remember which ones I did or did not.

15 Q Approximately how many finished boilers did you  
16 see, Keystone boilers?

17 A I'd say at least five.

18 Q Was the Keystone name located on the exterior of  
19 any of the finished boilers that you saw on site at VEO?

20 A No.

21 MR. GISLESON: Mark this, please.

22 (Thereupon, JM Exhibit No. 1 was marked for  
23 identification).

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1 BY MR. GISLESON:

2 Q I would like to show you what has been marked as  
3 Exhibit JM 1. Its a document stamped VEO 893 to 894.

4 Have you ever seen that document before?

5 A This drawing?

6 Q Yes.

7 A No.

8 Q Do you see how on the first page this is called  
9 Keystone Name Plate?

10 A Oh. Okay. Yeah.

11 Q Did you ever see any boiler at VEO that had a  
12 Keystone name plate with that appearance?

13 A No.

14 Q Did you ever have any discussions with anyone at  
15 VEO about whether a Keystone name plate should be included  
16 on any of the O type boilers that were being sold?

17 A No.

18 Q Was there anyway to tell from looking at the boiler  
19 that it was a Keystone boiler?

20 MR. SHEEAN: Objection. Vague.

21 A I'd have to say no.

22 Q On how many places on the finished boiler did the  
23 Victory name appear?

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1 MR. SHEEAN: Same objection.

2 A I'd say twice.

3 Q Where?

4 A The side of the unit.

5 Q Was it in the same location?

6 MR. SHEEAN: Objection. Vague.

7 A Roughly.

8 Q What information was in the first location where  
9 the Victory name appeared?

10 A That's it.

11 Q Just Victory?

12 A That's it.

13 Q Was it Victory Energy Operations, Victory; what was  
14 it?

15 A I think just Victory.

16 Q Was it a name plate, something like what's been  
17 marked as Exhibit 1?

18 A No. Not a name plate.

19 Q What was it?

20 A Just painted.

21 Q So its not actually a plate, its just a name  
22 painted onto the boiler?

23 A Yeah.

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1 Q How big was the Victory name that was painted on  
2 the boiler?

3 MR. SHEEAN: Objection. Vague.

4 A It was visible.

5 MR. GISLESON: I'll rephrase the question.

6 BY MR. GISLESON:

7 Q What was the size of the Victory name on the  
8 boiler?

9 MR. SHEEAN: Same objection.

10 A I mean, letters about that big (indicating).

11 Q So 18 inches?

12 A I don't know, get a ruler.

13 Q Approximately?

14 A Roughly.

15 Q What was the color that was used to paint the  
16 Victory name on the boiler?

17 MR. SHEEAN: Same objection.

18 A I believe white.

19 Q What was the color of the boiler casing?

20 A Blue.

21 Q Was the Victory name in large letters in an area  
22 that people could see if they were walking past the  
23 boiler?

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1 EPTI or one of its predecessors?

2 A I'm going to say no. I'm not sure. I'm not sure I  
3 guess because its got some information I'm not used to  
4 seeing.

5 Q What information are you not used to seeing?

6 A Efficient radiant gas and efficient convection, I  
7 mean the upper section, widths, heights, is typically what  
8 I dealt with, but the middle section is a little  
9 different.

10 Q If you turn to the next page -- I'm sorry, if you  
11 turn to page 23. Do you see how this appears to be a  
12 drawing of the Keystone M series standard with a plan  
13 section?

14 A Yes.

15 Q Have you seen that drawing before?

16 A Yes.

17 Q Can you describe what this drawing is?

18 A Its a cross-section of the O type boiler.

19 Q For the standard M series Keystone boiler?

20 MR. SHEEAN: Objection. Mischaracterizes  
21 his testimony. You should answer.

22 A Yes.

23 Q When did you see this cross-section?

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1 A Outer wall as pertaining to?

2 Q Tube configuration.

3 A Tube configuration? It looks like a tangent wall.

4 Q What is the tube configuration for the furnace  
5 walls as shown on this page?

6 A It looks like a tangent wall.

7 Q Did the standard M series have tangent tube outer  
8 and furnace walls?

9 MR. SHEEAN: Objection. Vague. Foundation.

10 MR. GISLESON: Pardon me?

11 MR. SHEEAN: Foundation.

12 MR. GISLESON: You can answer the question.

13 A Okay. Basically, yes.

14 Q Did the standard M series have a refractory front  
15 wall?

16 MR. SHEEAN: Same objections.

17 A Yes.

18 Q Did the standard M series have a tube and tile  
19 water cooled wall, rear wall?

20 MR. SHEEAN: Same objection.

21 MR. GISLESON: I'll rephrase the question.

22 BY MR. GISLESON:

23 Q Did the standard M series have a tube and tile



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1 water cooled wall?

2 MR. SHEEAN: Same objection.

3 A No, it didn't.

4 Q What did it have?

5 A We could -- I mean, if you look at this drawing --  
6 I mean, if you look at the front, we haven't used the  
7 cones, you know, when I was at EPTI/Zurn/whatever. This  
8 whole front wall configuration has changed. We don't use  
9 this cone throat, we don't use the bull ring any more.  
10 That's this section here (indicating). You don't use  
11 insulation or the way we did it it became a monolithic  
12 wall. We changed that design years ago.

13 The rear wall, we essentially started putting  
14 membrane walls back in there, we removed the tile or what  
15 we did, if we did actually end up with the tile, we used a  
16 different type of insulation in the rear wall design.

17 Those are the things that even though you have this  
18 like this, it wasn't built this way.

19 Q Were those all changes that EPTI or its  
20 predecessors had developed prior to January, 2003?

21 A Yeah.

22 Q Yes?

23 A Yes.

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1 Q While you were employed with VEO, did you ever  
2 become aware of VEO selling any Keystone boilers that had  
3 tangent tube furnace or outer walls?

4 A I don't believe so.

5 Q Now, you became aware as to what the design of the  
6 standard M series Keystone boiler was based on your having  
7 been involved with you said approximately a hundred  
8 different Keystone boilers while employed with EPTI or its  
9 predecessors?

10 A Correct.

11 Q Did any of the hundred or so boilers in which you  
12 were involved while you were employed with EPTI or a  
13 predecessor have tangent furnace or outer walls?

14 A Yes.

15 Q More than one?

16 A Yes.

17 Q Did more than one of the Keystone boilers in which  
18 you were involved with EPTI or a predecessor have a  
19 refractory front wall?

20 A Yes.

21 Q Did more than one of the Keystone boilers with  
22 which you were involved while working with EPTI or a  
23 predecessor have a tube and tile water cooled rear wall?

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1 MR. SHEEAN: I'm going to object to this  
2 line of questioning. I think its vague as to time. You  
3 can answer.

4 A No.

5 Q Did any of them have tube and tile water cooled  
6 rear wall?

7 MR. SHEEAN: Objection. Asked and answered.  
8 Same objections. You can answer.

9 A Yeah, but I'm not sure of the question.

10 Q At any time while you were employed with EPTI or a  
11 predecessor company, did the company sell a standard M  
12 series boiler that had a tube and tile water cooled rear  
13 wall?

14 MR. SHEEAN: Same objections.

15 A If I understand correctly, yes.

16 Q Do you know whether there currently are any O type  
17 boilers in use in the United States that have tangent tube  
18 furnace or outer walls?

19 A I'm sure there is.

20 Q More than one?

21 A I assume. There's a lot out there.

22 Q Was there anything in the cross-section drawing you  
23 saw that referred to membrane walls either in the furnace

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1 emission?

2 A It dropped it. It didn't allow gas to bypass it.

3 Q By nox are you referring to nitrogen oxide?

4 A Yes.

5 Q N-o-x?

6 A Yes.

7 Q Did VEO, while you were employed there, ever seal  
8 weld tangent tubes on any boilers that it sold, to the  
9 best of your knowledge?

10 A No.

11 Q Based on what you observed as a Project Engineer  
12 with VEO, did it have the capability to seal weld tangent  
13 tube construction?

14 A If they built it, yes.

15 Q From looking at the cross-section in Exhibit 3,  
16 which is the License Agreement, did you see any reference  
17 on page 1023 of Annex 1 to either welded walls or membrane  
18 walls?

19 A No.

20 Q Did you ever become aware as to what the reputation  
21 of the Keystone boiler was in the boiler industry?

22 A I think we built a very good product.

23 Q Why was it a good product?

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1 Q Yes. That page was not in the copy of the Design  
2 Guide you had?

3 A Yeah, I don't remember seeing it.

4 Q Was that information you needed in connection with  
5 the work you were doing on Keystone boilers?

6 A Not that I was doing on them, no. I mean, it might  
7 have been there, I just don't recall seeing it.

8 It looks pretty much -- other than the one I saw,  
9 without reading each page or going through, it looks like  
10 it.

11 Q Did you make any handwritten comments or notations  
12 in your version of the manual?

13 A I don't think so. I might have commented on areas  
14 of the door or something like that, but I don't think so.

15 Q While you were with EPTI did it have a separate  
16 design manual limited just to the standard M series?

17 A I don't think so.

18 Q EPTI just had one Engineering Design Guide that was  
19 used for the full range of O type boilers?

20 A I think so.

21 Q Yes?

22 A Yes.

23 MR. GISLESON: Mark that, please.

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1 (Thereupon, JM Exhibit No. 4 was marked for  
2 identification).

3 BY MR. GISLESON:

4 Q I would like to show you what has been marked JM  
5 Exhibit 4. Its a document stamped IKE 5308. Do you see a  
6 copy of an E mail at the bottom of the first page from you  
7 to Bob Gdaniec, February 26, 2004, Hi Bob, Jay?

8 A Uh-huh.

9 Q Yes?

10 A Yes, I remember.

11 Q Do you recall sending the E mail?

12 A Yes. Let me read it so I -- okay. This is back on  
13 Oxy job again. That's the one with the superheater.

14 Q And you're asking questions about the drum  
15 internals for the drum internal for Oxy; is that correct?

16 A No, not drum internals, drum levels.

17 Q The water levels in the drum?

18 A Yeah.

19 Q You write at the end of your E mail to Mr. Gdaniec,  
20 There are several references within the Keystone manual to  
21 the Engineering Design Guide, any chances to getting a  
22 copy of them? Refer to SHT'r section, item 20 refers to  
23 EDG of 1145 Hdr flow Dist?

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1 part of the material that was provided per the current  
2 License Agreement.

3 Did you ever get back to him to tell him that you,  
4 in fact, had a copy of this, of the manual?

5 A Of this manual?

6 Q Yes.

7 A Yes.

8 Q What did you tell him?

9 A That we had what they gave us. They provided this.

10 Q You told that to Bob Gdaniec?

11 A I believe so, yeah.

12 Q Do you know what his response was?

13 A No, I -- at that point we got more into design of  
14 this thing, moving forth.

15 Q He then writes, I'm researching here to see if we  
16 gave it to Victory officially. Please keep in mind that  
17 Victory has licensed the STANDARD M series Keystone with  
18 the addition of superheat and increase in design pressure.  
19 EPTI and Victory (Mark/John) are now working on a new deal  
20 that may result in increasing the scope of the License  
21 Agreement, however, at this point it is not finalized.

22 You read the E mail when you received it; right?

23 A Yeah.

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1 Q Prior to receiving that E mail on February 27,  
2 2004, had anyone else ever told you that Victory had  
3 licensed only the standard M series Keystone with addition  
4 of superheat and increase in design pressure?

5 A No.

6 Q Was this the first time anyone ever told you that  
7 Victory had licensed only the standard M series Keystone?

8 A I think this is the first time it was brought up,  
9 yeah.

10 Q After you received this E mail from Bob Gdaniec did  
11 you then go to Mark White and say, hey, Mark, Bob Gdaniec  
12 is telling me that Victory only licensed the standard M  
13 series Keystone with the addition of superheat and  
14 increase in design pressure?

15 A Yeah. I brought it up to him and he said they're  
16 working on it. I proceeded on.

17 Q When did you bring it up with Mark White?

18 A Probably around the time when this was sent to me.

19 Q What did you say to Mark White?

20 A I think I just went in -- I don't remember. I just  
21 went in and said, is there an issue with this. He said,  
22 no, there shouldn't be and I said fine.

23 Q What else did Mark White tell you?



1 Q This is an E mail dated October 9, 2003, from Mark  
2 White to Bob Gdaniec and Ted Fuhrman on the subject of  
3 standard M series summary question and its Bates stamped  
4 IKE 1450. Mr. White wrote, Bob and Ted, we are in the  
5 process of setting up standard design files for all of the  
6 standard M series boilers. Do you see that?

7 A Uh-huh.

8 Q Yes?

9 A Yes.

10 Q Did you ever see any standard design files for all  
11 of the standard M series boilers at VEO while you worked  
12 there?

13 MR. SHEEAN: Objection. Asked and answered.

14 A No.

15 (Thereupon, JM Exhibit No. 6 was marked for  
16 identification).

17 BY MR. GISLESON:

18 Q I would like show how what has been marked JM  
19 Exhibit 6. Its a document stamped 116 and 117. Do you  
20 recognize this as a copy of an E mail you received from  
21 Bob Gdaniec on March 23, 2004, on the subject of Dallas  
22 Fort Worth Additional Analysis?

23 A Yes.

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1 Q Do you recall receiving this E mail?

2 A Yes.

3 Q Mr. Gdaniec writes to you, Jay, this is getting  
4 tougher to break out individual costs for these items.  
5 This boiler is clearly well beyond the standard M series  
6 boiler and should have complete detail design analysis  
7 conducted on it. By no stretch of the imagination can  
8 this boiler be considered a standard.

9 Do you see that?

10 A Yes.

11 Q Did you have any conversation with Bob Gdaniec  
12 after receiving this E mail in which you asked him why he  
13 was focusing on the fact that the boiler was not a  
14 standard M series boiler?

15 A Yes.

16 Q What did you discuss?

17 A Its a little taller than what is normal.

18 Q Anything else?

19 A No.

20 Q Did you discuss Mr. Gdaniec's response with Mark  
21 White?

22 A I think so.

23 MR. SHEEAN: Don't guess.

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1 (Thereupon, JM Exhibit No. 11 was marked for  
2 identification).

3 BY MR. GISLESON:

4 Q I would like to show you what has been marked as JM  
5 Exhibit 11. Its a document stamped VEO 1021 to 1022. Do  
6 you recognize the lower E mail on the first page as one  
7 that you sent to Mark White on March 29, 2004, on the  
8 subject of MISC. meeting Ok at EPTI, Court record on  
9 Chapter XI?

10 A Yes.

11 Q In the fifth paragraph you write, Talked a little  
12 about what you had mentioned about the issue of  
13 non-standard units being built and et cetera. What I  
14 found out in the Court records this weekend may be in  
15 direct relation to their current attitude, you might  
16 already know this but -- and then you have more  
17 information.

18 To what were you referring when you identified the  
19 issue of non-standard units being built?

20 A I don't remember. Let me read this whole thing.

21 MR. SHEEAN: I remind you not to speculate.

22 A (Continuing) I don't remember.

23 Q Did Mark White tell you that he had received a

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1 Q Were you involved with boilers that EPTI sold to  
2 VEO prior to January, 2004, that were to be used for a  
3 Heinz project?

4 A No.

5 MR. GISLESON: Off the Record.

6 (Discussion off the Record).

7 (Thereupon, JM Exhibit No. 15 was marked for  
8 identification).

9 BY MR. GISLESON:

10 Q I would like to show you what's been marked as JM  
11 Exhibit 15. If you can take a look at that and let me  
12 know when you're done.

13 A Okay.

14 Q Have you seen this document before?

15 A It looks familiar.

16 Q Do you recall seeing it?

17 A Seeing it?

18 Q Yes.

19 A I'm going to say I did. That's my stamp.

20 Q On the first page where it says received August 14,  
21 2001, J.C. MAC?

22 A That's me.

23 Q The first page of this refers to a Design

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1 Performance Report, as the title of the document. Do you  
2 see that?

3 A Yes.

4 Q What's the purpose of the Design Performance  
5 Report?

6 A The Design Performance Report is to give the basics  
7 of your design criteria. MAWP flows, steam and all of  
8 that, and it also provides you the -- should anyhow  
9 provide you the spacing of the tubes, type of tubes,  
10 membrane, whatnot, overall dimension of the boiler,  
11 economizer information, flue gas constituents, what is in  
12 it.

13 Q Can you tell who prepared this Design Performance  
14 Report?

15 A Yes. It looks like Steve Bernalwitz, I believe, by  
16 that signature. Well, sorry Joe Malone did it. It looks  
17 like Steve approved it.

18 Q How can you tell that Joe Malone did it?

19 A Down here where it says by, that's Joe Malone and  
20 over here you have approval. It looks like Bernalwitz.

21 Q You received a copy as Project Engineer; is that  
22 right?

23 A Yes.

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1 Q Does that mean you were the Project Engineer for  
2 this project?

3 A I would say yes.

4 MR. SHEEAN: Don't speculate. If you  
5 recall, fine. But don't guess.

6 A (Continuing) I'm going to say yes.

7 Q Do you recall being Project Engineer for a boiler  
8 project for Victory Energy Operations?

9 A No.

10 Q Do you recall a project for Armstrong Services/  
11 Heinz USA in Muscatine, Iowa?

12 A I remember a Heinz, but I thought it was Indeck;  
13 that's what I remember, but maybe -- I don't remember it  
14 being Victory.

15 Q Do you recall being the Project Engineer for a  
16 Heinz project?

17 A Yes.

18 Q Looking at that Design Performance Report, does  
19 this refresh your recollection that you were, in fact, the  
20 Project Engineer for Heinz boiler -- for a Heinz boiler  
21 that was sold to VEO?

22 A Yes.

23 Q Can you describe the boiler that was sold to VEO?

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1 A I can if I read this.

2 Q Can you do it independent of the document?

3 A No.

4 Q If you look at page No. 3, it has 1.00, Scope, This  
5 report contains the design information relative to General  
6 Order 2023. General Order 2023 is two shop assembled  
7 Special Keystone boilers.

8 Do you see that?

9 A Yes.

10 Q As of August 14, 2001, which is the date that you  
11 received a copy of this Design Performance Report, did you  
12 understand what was meant by special Keystone boilers?

13 A Yes. It changed the -- they were different from  
14 the M series in one manner or another.

15 Q Different from the standard M series?

16 A Yes.

17 Q Do you know whether this Design Performance Report  
18 was provided to VEO?

19 A This?

20 Q Yes.

21 A I would say no.

22 Q As Project Engineer do you have an understanding as  
23 to what documentation was provided to VEO concerning the

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1 MR. GISLESON: Back on.

2 BY MR. GISLESON:

3 Q Were all of the O type boilers on which you worked  
4 while with VEO Keystone boilers?

5 A What do you mean by Keystone boilers?

6 Q Were they based on the design of a Keystone boiler?

7 A Yes.

8 Q Are you aware of any non-Keystone designs that VEO  
9 had in its possession for O type water tube package  
10 boilers while you worked for them?

11 A Non-Keystone -- you mean as in O type boilers?

12 Q Correct.

13 A I don't think so.

14 Q Are you aware of any O type package water tube  
15 boilers sold by VEO while you worked there that weren't  
16 called either a Keystone boiler or a Victory boiler?

17 A I'm not sure if they were called Keystone in the  
18 beginning, but no.

19 Q What were these Keystone boilers called while you  
20 worked there?

21 MR. SHEEAN: Objection. Foundation.

22 A To me they were Victory boilers and O type boilers.  
23 That's -- you know, I didn't -- I don't remember seeing



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1 BY MR. GISLESON:

2 Q I would like to show you what has been marked  
3 Exhibit 18, which is document stamped PTC 485 through 500.  
4 Its a copy of a Victory Energy Keystone Steam Generating  
5 System sales brochure.

6 Have you seen that before?

7 A I might have.

8 Q If you turn to page PTC 492, under Keystone wall  
9 construction it says, Victory Energy's design, engineering  
10 and manufacturing advances offer a complete range of wall  
11 construction technology.

12 While you were employed by VEO did VEO develop  
13 engineering and manufacturing advances concerning wall  
14 construction in the Keystone?

15 A I think with the tube spacing and the membranes  
16 that we did in there, yes.

17 Q Were those developed by VEO?

18 A I believe so.

19 Q What basis do you have for that?

20 A Well, we didn't do it that way in Erie.

21 Q How do you know?

22 A Because I was involved with stuff in Erie, saw the  
23 fabrications.

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1 Q What was different about what VEO did than what  
2 EPTI did?

3 A Well, we basically took the spacing from three to  
4 four, which saved some tubes and all of that, you know,  
5 cost wise and all of that, still gave the same  
6 performance.

7 Q Did you ever tell anyone from EPTI that VEO was  
8 making those changes?

9 A No.

10 Q Did you ever see the drawings that EPTI provided to  
11 VEO concerning membrane walls?

12 A I don't think so.

13 Q Were you aware that EPTI provided drawings to VEO  
14 concerning the --

15 A Yes.

16 Q -- concerning membrane walls?

17 A Oh, membrane walls?

18 Q Yes.

19 A That I don't know.

20 Q The same page says, for furnace walls, side walls,  
21 membrane or tangent tube construction is standard on all  
22 Keystones.

23 Did VEO have the capability to manufacture a

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1 tangent tube boiler?

2 A Yes.

3 Q That was true throughout the time you worked at  
4 VEO?

5 A Yeah.

6 Q Were you aware that in its sales brochures VEO  
7 offered a tangent tube construction boiler?

8 MR. SHEEAN: Objection. Mischaracterizes  
9 this document. The document speaks for itself. You can  
10 answer.

11 A I'm just --

12 MR. SHEEAN: You either were aware or you  
13 weren't.

14 A (Continuing) Yes, I think I was. Yes.

15 MR. GISLESON: Could you repeat my question.

16 (Question read).

17 BY MR. GISLESON:

18 Q At the bottom it says convection side walls,  
19 membrane or tangent tube construction is standard on all  
20 Keystones.

21 Did VEO have the ability while you worked there to  
22 manufacture a boiler that had tangent tube convection side  
23 walls?

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1 A Yes.

2 Q Were you also aware that VEO was selling or  
3 offering for sale boilers that had tangent tube convection  
4 side walls?

5 MR. SHEEAN: Objection. Asked and answered.  
6 The document speaks for itself.

7 A Yes.

8 MR. GISLESON: I'll also note, Chris, that  
9 this was a document we had to obtain from a third party  
10 because it wasn't produced by VEO, which was also the case  
11 with all the proposals that I recall that were above  
12 150,000 pounds per hour.

13 BY MR. GISLESON:

14 Q In terms of the drawings that were sent by EPTI to  
15 customers, do you know whether there were confidentiality  
16 provisions in the agreement with the customer concerning  
17 the drawings that the customers received?

18 A I don't know.

19 Q And in terms of any tube layout drawings that were  
20 provided to customers, you said that those were  
21 cross-sections?

22 A (Witness nods head in the affirmative).

23 Q Yes?